

Changes to the 02/07/13 draft minutes proposed by Commissioner Tucker.

NEWPORT BEACH PLANNING COMMISSION MINUTES

2/7/13

Vice Chair Hillgren noted that there are other residential projects as well as taller buildings in the area.

Mr. Mosher felt that the Airport Land-Use Commission did not deliberate on the matter entirely since they believed the project was premature at the time it was reviewed. He reiterated that he felt it is in the interest of Newport Beach citizens to have the item reviewed by the Airport Land-Use Commission before it is presented before Council.

John Adams referenced a letter from co-owners, tenants and management of the Koll Center Newport noting that one of the big issues of concerns are the setback requirements. He stated that they would like to see equal setbacks of at least thirty-four feet around the entire project. He questioned why architectural features cannot be continued along the Courthouse Plaza and the remaining Jamboree side.

Vice Chair Hillgren clarified Mr. Adams' request.

Mr. Campbell reported that buildings along that side are along the property line.

It was noted that the proposed plan provides a 15-foot setback from where it currently exists. Discussion followed regarding the location of the building wall and an adjacent service area as well as the existing configuration in comparison with the plans.

Mr. Campbell reported that the proposed setback is fifteen feet and that there is a larger setback for high-rise buildings, discussed earlier. He showed a photograph of the westerly edge conditions and noted that the mechanical spaces are behind the wall shown.

Mr. Adams reiterated that they believe the setbacks should be consistent around the entire project.

There being no others wishing to address the Commission, Chair Toerge closed public comments for this item.

Chair Toerge reported that the Commission has spent a substantial amount of time reviewing the components of the project except for the Design Guidelines, the Tract Map and conditions, the Affordable Housing Implementation Plan and the Development Agreement. He requested comments or concerns from the Commission regarding the Design Guidelines.

In response to an inquiry from Chair Toerge regarding reviewing the architectural theme at a later date, Mr. Campbell reported that the language has been presented to the Commission under separate cover.

Commissioner Tucker reported that when the project was last reviewed by the Commission, the applicant was asked to return with a architectural style of the project. He referenced changes made to the Design Guidelines and noted that there was no specific theme. Commissioner Tucker reported speaking with the applicant regarding the theme and presenting it to the Commission at the time of the Master Site Plan review. He referenced the handout distributed by the applicant and noted the the added language to Section 3.1.1: "The objective and purpose of the Guidelines is to establish Uptown Newport as a high quality residential community that is distinguished from other high density residential projects in the surrounding vicinity". Furthermore, Commissioner Tucker added language to Section 3.2.1: reported that "eConceptual exterior elevations will be prepared for review by the Newport Beach Planning Commission as part of the Master Site Development Plan review process outlined in Section 4.1 of the PC Text". He continued noting that "the prototypical elevations will clearly demonstrate the architectural style of all structures and will illustrate exterior materials, colors and building heights. The requirement shall be applied to

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not necessarily omitted, but rather would not have some of the additional treatments recommended for the more public visible areas.

Commissioner Tucker stated that he hasn't noticed any enhanced architectural techniques on the properties that the subject properties will be facing **and stated that "enhanced material application techniques" to be added to Section 3.4.10"**. He felt that the applicant has done an excellent job and did not support having the entire project being enhanced.

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Commissioner Myers noted agreement that the changes include substantial improvements compared to what was originally presented. He commented positively on the proposed enhancements and the opportunity for additional resident-serving retail.

Vice Chair Hillgren addressed the Land Use Development Standards relative to private open space and questioned if open space refers to open space at the ground level or on the interior or rooftops of the residential buildings.

Brian Rupp, Shopoff Group, reported that a lot of these residential products have open space on rooftops that are highly amenitized with pools, outdoor BBQs, outdoor seating areas and spas. He felt that these are areas that will provide recreational opportunities.

Vice Chair Hillgren questioned if the rooftop amenities will be included to satisfy the forty-four **square** feet per unit of open space.

Mr. Rupp responded that it is not required, but should be eligible as open space.

Mr. Shopoff stated that the space is typically counted in Newport Beach, as long as they are public spaces or private open space.

Mr. Campbell reported that the forty-four square foot standard is within the General Plan, Land Use Policy 6.15.16 and is part of on-site recreational amenities.

Vice Chair Hillgren suggested changing the reference of forty-four **square** feet of open space to forty-four **square** feet of **"on-site recreational amenities"**.

Regarding the Tract Map conditions, Mr. Campbell reported that staff would like to eliminate Condition No. 15.

Regarding the Affordable Housing Implementation Plan, Mr. Campbell reported that staff would like to change the phasing of the construction relative to the percentage when the Affordable Housing units need to be occupied and constructed (Section 7.3) from 100% to **90%**.

Commissioner Tucker referenced Section VI (handwritten page 10), noted that it refers to Section 8, below, but that the correct Section is 7.

Commissioner Hillgren referenced page 4, Section 3, regarding the percentage of income for rent and ownership. Mr. Campbell reported that the provision mimics the density bonus laws and the City's zoning ordinance.

Assistant City Attorney Mulvihill reported that it is difficult, under the Housing Law, to provide ownership to the lower income range.

Regarding the Development Agreement, Commissioner Tucker noted that the definition of the Development Plan date needs to be updated in various places. In addition, he referenced page 8,

Commissioner Kramer inquired regarding the school district issue as well as the undergrounding of utilities.

Mr. Shopoff reported that the undergrounding of utilities is part of the first phase of the project and that their intention is to move forward with that.

Ms. Mulvihill reported that there is no binding language in the Development Agreement either requiring the applicant to underground facilities or require the City work in good faith. She noted that there are various ways that undergrounding occurs.

Mr. Shopoff has begun the efforts with the City's Public Works Department.

Commissioner Kramer stressed the need to underground utilities and noted it increases the value of the project.

Mr. Shopoff reported inviting the Koll Center Newport to become involved with the undergrounding of utilities. Regarding the school district, he reported that they are continuing their dialogue with the Santa Ana School District and stated that he would gladly accept a non-binding resolution that encouraged the implementation of a Charter School.

Ms. Mulvihill suggested that language be added to the resolution, approving the project, citing that the Commission would be supportive of the project's effort to provide for a ~~trans~~-jurisdictional transfer of the school.

Commissioner Kramer indicated that he would support the suggestion and asked that the Commission direct Ms. Mulvihill to draft language that would reflect that intent. A straw vote of the Commission resulted in consensus to direct Ms. Mulvihill accordingly.

Commissioner Tucker addressed the PC Text relative to the Master Site Development Plan review process, Section 4.2. He suggested adding the language, "the purpose of Site Development Review Process is to ensure projects within Uptown Newport PC are implemented consistent with the goals and policies of the General Plan. Provisions of this document **plans approved as part of the Master Site Development Plan review**". ~~He addressed Section 4.2.2 and made typographical corrections.~~ He requested adding another ~~paragraph statement~~ as follows, **"Only after first making the following findings, the development is in compliance with the Planned Community Planned Land Uses Development Standards and Procedures, is in compliance with the Design Guidelines and in substantial conformance with the Master Site Development Plan application"**. Furthermore, he suggested the addition of language as follows, **"The Development shall be in substantial conformance with the preliminary plans and prototypical building elevations approved as part of the Master Site Development Plan application"**.

Commission Tucker addressed Section 4.2.2 and made typographical corrections. He then suggested the following additions to the findings of Section 4.2.2: The development shall be consistent with the Uptown Newport Design Guidelines, Phasing Plan "and Master Site Development Plan. Substantial conformance with the Master Site Development Plans approved by the Planning Commission pursuant to Section 4.1"

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Community Development Director Brandt reported that the documents will be renumbered appropriately.

Associate Planner Ung reported that the only additional change being requested in the resolution is the finding for the Tract Map, C-3 (handwritten page 130) regarding impacts on migratory birds be